IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8159 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NILA MAKARANTBHAI DESAI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 8159 of 1998

MR TUSHAR MEHTA for Petitioner No. 1-4

Mr. Dipen Desai, AGP for Respondent No. 1

MR MANGESH R MENGDEY for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 13/10/2004

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution of India, the petitioners had challenged the communication/order dated 22nd September 1998 by the Incharge Registrar of M.S. University of Vadodara, by which an order came to be passed to the effect that the

petitioners will cease to be members of the Syndicate with immediate effect in view of the letter of the State Government dated 19th February 1997.

2. It appears that by communication/order dated 6th March 1997 the petitioners were nominated as members of the Syndicate of M.S. University of Baroda. That tenure was upto 3rd March 2000. Thereafter on the basis of some communication from the Government of Gujarat dated 19th February 1997 issued under Section 23(2) of the MS University of Baroda Act, 1949 the order came to be passed by which the petitioners were removed and/or ceased to be the members of the Syndicate. This Court had admitted the present Special Civil Application, however, no interim relief order was granted in view of the fact that even their initial nomination itself was upto 3rd March 2000. Even otherwise the petitioners could not have been continued upto 3rd March 2000 pursuant to their nomination dated 6th March 1999. The present Special Civil Application has become infructuous by afflux of time. Hence the same is disposed of accordingly. Rule is discharged.

rmr. [M.R. Shah, J.]